



U.S. Department of Justice

*United States Attorney
Southern District of New York*

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March 31, 2020

Honorable Ona T. Wang
United States Magistrate Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

**Re: *Kobre & Kim v. Commodity Futures Trading Commission*,
19 Civ. 10151 (LAK) (OTW)**

Dear Judge Wang:

This Office represents the Commodity Futures Trading Commission (“CFTC”), the defendant in this case brought by Plaintiff Kobre & Kim pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). We write on behalf of both parties to provide a joint status update, in accordance with the Court’s January 16, 2020, Order (Dkt. No. 18) (the “Order”).

In accordance with its representations in the parties’ January 15, 2020, letter, the CFTC has been reviewing and producing documents on a rolling basis, with productions made monthly. Thus far, the CFTC has made two productions, on February 27, 2020, and March 27, 2020, consisting of a total of 564 documents. In preparing to make these productions, the CFTC reviewed 3,923 documents in accordance with the search parameters agreed to by the parties, 564 of which were responsive. The CFTC also provided logs of the documents that were redacted in full on the ground that they are subject to one or more FOIA exemptions. There are 24,484 documents identified in accordance with the search parameters agreed to by the parties that remain to be reviewed, though some of those documents may be removed from the review process as duplicates through an automated deduplication process that is yet to be conducted on approximately half of the documents and some have been subject to at least one round of review, though review has not yet been completed. The CFTC believes it is on track to complete productions by July 31, 2020, as indicated in the January 15, 2020, letter.

In addition, pursuant to the Court’s Order, Plaintiff submitted a letter on March 30, 2020 (Dkt. No. 19) requesting a pre-motion conference regarding a motion to compel in connection with a discovery dispute. The CFTC plans to file a response to Plaintiff’s letter, in accordance with the Court’s Individual Practices.

We thank the Court for consideration of this matter.

Respectfully submitted,

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